IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11178 of 2004

Between:

Gummadi Leela Vivekavathi, W/o Late Bhushanam,
Suryaraopet, Vijayawada.

..... PETITIONER

AND

The Superintending Engineer, Operation Circle, A.P.S.P.D.C.L.
Vijayawada-21.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in with holding the Commutation of pension of the petitioner of Rs. 3,46,685/- is illegal, opposed to the principles of natural justice and violation of Article 21 of the Constitution of India and consequently direct the respondent to release the same.

Counsel for the Petitioner: MR.S.S.VARMA, Advocate

Counsel for the Respondent : MR.S.RAVINDRANATH, Standing Counsel

The Court, at the stage of admission, made the following :

HONOURABLE SRIJUSTICE K.C.BHANU

W.P.No.11178 of 2004

ORAL ORDER:

This writ petition is filed to declare the action of the respondent in withholding an amount of Rs.3,46,685/- towards pension and other terminal benefits of the petitioner as illegal and arbitrary.

The learned counsel appearing for the writ petitioner contended that the amount payable to the petitioner is not liable for attachment, but the respondent is not releasing the same. Hence, he prays to direct the respondent to release the amount forthwith.

The learned standing counsel for the respondent contended that as the amount sought to be released is under the prohibitory orders issued by the Competent Civil Courts, Vijayawada, the respondent has not taken any steps in releasing the amount payable to the petitioner and the writ petition is devoid of merits.

Heard the learned counsel for both the parties. At their request, the main writ petition is taken up for disposal at the admission stage.

Perused the record.

In the affidavit, it is stated that there are eleven prohibitory orders issued by the Civil Courts of Vijawada in various suits directing the respondent to withhold an amount of Rs.6.00 lakhs from the pension and other terminal benefits of the petitioner. The amount actually payable to the petitioner is about Rs.4.00 lakhs. So, when the competent Civil Courts issued prohibitory orders directing the respondent not to release the amount due to the petitioner, the respondent is bound by it. Unless prohibitory orders are vacated the respondent cannot release the amount to the petitioner. Therefore, I do not see any ground to issue any direction to the respondent and the writ petition is totally devoid of merits.

For the foregoing reasons, the writ petition is dismissed at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

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(K.C.BHANU,J.)

16th July, 2004

bcj/mvb

To

1. The Superintending Engineer, Operation Circle, A.P.S.P.D.C.L. Vijayawada-21.

2. Two C.D. copies